

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 04-00317 WHA

v.

CHARLES EDWARD LEPP,

Defendant.

**ORDER RE DEFENDANT'S
MOTION FOR REDUCTION OF
SENTENCE UNDER
AMENDMENT 782**

On November 7, 2014, defendant Charles Lepp moved, *pro se*, for a reduction of his sentence under 18 U.S.C. 3582(c)(2) and Amendment 782 to the Sentencing Guidelines. On November 18, 2014, the government submitted its opposition and on December 1, 2014, the United States Probation Office submitted its report, stating that defendant is not eligible for a lower sentence.

Amendment 782 to the United States Sentencing Guidelines, effective November 1, 2014, reduces the penalties for most drug offenses by reducing most offense levels. This amendment may be applied retroactively to reduce the sentences of previously sentenced inmates under 18 U.S.C. 3582(c)(2). Amendment 782 does not authorize, however, reductions in sentences below the mandatory minimum imposed for the original crime, except in cases where the defendant provided substantial assistance to the government.


In 2008, defendant was convicted of conspiracy to distribute a controlled substance, in violation of 21 U.S.C. 846, and of manufacture and possession of marijuana, in violation of 21 U.S.C. 841(a)(1). Because the jury found that defendant's offenses involved more than 1,000

1 plants, he was subject to a mandatory minimum sentence of ten years. On May 18, 2009, Judge
2 Marilyn Hall Patel sentenced defendant to the mandatory minimum sentence of ten years.

3 Because defendant was sentenced pursuant to a federal mandatory minimum,
4 Amendment 782 does not permit the reduction of his sentence. Defendant's motion is thus
5 **DENIED.**

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7 **IT IS SO ORDERED.**

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9 Dated: December 10, 2014.



10 WILLIAM ALSUP
11 UNITED STATES DISTRICT JUDGE
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